

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : S4 10 Cr. 162 (KMW)

- against - : **DECLARATION IN**

SABIRHAN HASANOFF, et al., : **SUPPORT OF DEFENDANT**  
**SABIRHAN HASANOFF'S**  
**PRE-TRIAL MOTIONS**

Defendant. : -----X

JOSHUA L. DRATEL, pursuant to 28 U.S.C. §1746, hereby affirms under penalty of perjury:

1. I am a lawyer, and I represent defendant Sabirhan Hasanoff in the above-captioned case. I make this Declaration in support of Mr. Hasanoff's pre-trial motions: (a) to dismiss Count Two of the Indictment because it fails to state an offense under 18 U.S.C. §2339B, as the Indictment fails to allege two essential elements of the crime – (i) that the “material support” was provided to a foreign terrorist organization (hereinafter “FTO”); and (ii) that Mr. Hasanoff knew the material support was provided to assist an FTO – and/or §2339B is unconstitutionally vague as applied in this case; (b) to modify Count One by removing the term “physical assets” because it is not included within the statutory definition of “material support” and/or because §2339B is unconstitutionally vague as applied in this case; (c) to compel the government to elect among Counts One, Two, Three, and Four, on the ground of multiplicity, in that they allege a single offense in multiple counts; and (d) for leave to join in his co-defendant's motions to the extent they inure to his benefit.

2. The legal and factual bases for these motions are set forth in the accompanying Memorandum of Law, and it is respectfully requested that the facts set forth therein be

incorporated by reference in this Declaration.

3. Prior application for this relief has not been made.

WHEREFORE, it is respectfully requested that the Court grant Mr. Hasanoff's pre-trial motions in their entirety, and for any such other and further relief as to this Court seems just and proper.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. 28 U.S.C. §1746. Executed June 3, 2011.

/s/  
JOSHUA L. DRATEL